

ZB# 00-34

Edward Ferguson

41-3-2.3

Prelim.

July 10, 2000.

Notice to Submit 7/24/00

Public Hearing:

Aug. 14, 2000

Area Variance

Granted

Refund: \$ 203.00

00-34-Ferguson, Edward

Area 41-3-2.3

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Jerguson, Ed.

FILE# 00-34.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

CK.
2788
paid. 7/21/00.

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 # 2789.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/10/00-3 \$ 13.50
2ND PRELIMINARY- PER PAGE 9/18/00-3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 7/10/00 \$ 35.00
2ND PRELIM. 9/18/00 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING. \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 97.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT . \$ 203.00

Date 4/18/00, 19~~99~~.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Edward N. Ferguson DR.
1 Brandon Court, N.W.

DATE

CLAIMED

ALLOWED

[illegible]

1 BRANDON COURT
NEW WINDSOR, NY 12553

2789

PAY Three Hundred 00/100 DOLLARS

HRS	DATE	TO THE ORDER OF	GROSS	DESCRIPTION				DISC.	CHECK AMOUNT	
	7/21	Town of New Windsor							300	00
				F.I.C.A.	FED WITH	STATE		DISB.		

THE BANK OF NEW YORK
NEW WINDSOR OFFICE
NEW WINDSOR, NY 12553

Edward N. Ferguson

2BA-00-34.

⑈002789⑈ ⑆021902352⑆ ⑈6800614323⑈

SECURITY FEATURES: MICRO PRINT BORDERS • COLORED SPIDRYN™ PAPER • 100% COTTON FIBER • 100% RECYCLED PAPER

EDWARD N. FERGUSON
D/B/A CROSS-CUT CONSTRUCTION
1 BRANDON COURT
NEW WINDSOR, NY 12553

EXPLANATION	AMOUNT

50-235/219

2788

PAY Five 00/100 DOLLARS

HRS	DATE	TO THE ORDER OF	GROSS	DESCRIPTION				DISC.	CHECK AMOUNT	
	7/21	Town of New Windsor							50	00
				F.I.C.A.	FED WITH	STATE		DISB.		

THE BANK OF NEW YORK
NEW WINDSOR OFFICE
NEW WINDSOR, NY 12553

Edward N. Ferguson

2BA 00-34.

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SECURITY FEATURES: MICRO PRINT BORDERS • COLORED SPIDRYN™ PAPER • 100% COTTON FIBER • 100% RECYCLED PAPER

In the Matter of the Application of

EDWARD FERGUSON

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#00-34.

WHEREAS, EDWARD FERGUSON, residing at 1 Brandon Court, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 5 ft. rear yard variance for existing deck at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of August, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared on behalf of this Application; and

WHEREAS, there no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The existing deck is designed to promote water drainage and to not create any ponding or collection of water.

(c) The deck is not constructed on top of any water or sewer easements.

(d) The deck is not constructed on top of any well or septic system.

(e) The deck in question has been in place for approximately nine years. During this time there have been no complaints, either formal or informal.

(f) The house is so situated that without the existing deck it would be difficult to access the back of the house.

(g) Other homes in the area have similar decks.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

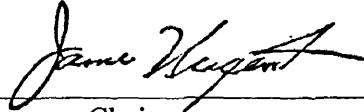
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5 ft. rear yard variance for an existing deck at the above residence, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 13, 2000.

A handwritten signature in cursive script, appearing to read "James H. Houghton", is written over a horizontal line.

Chairman

Date 7/13/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/14/00		Zoning Board Mtg,	75.00	
		Misc - 2		
		Losio - 2		
		Ferguson - 3		
		Marulanda - 5	13.50	
		Dunkin Donuts - 3		
		Lehman - 3		
		Schlesinger - 3		
		Panella - 3		
		Pearson - 3		
		Cutro - 1		
		Young - 3		
		Days Inn - 3		
		Czepiel - 2	175.50	
		Lahey - 3		
		39	250.50	

FERGUSON, EDWARD

Mr. Edward Ferguson appeared before the Board for this proposal.

MR. TORLEY: Request for 5 foot rear yard variance for existing deck at 1 Brandon Court in an R-4 zone. Once again, there is no one in the audience that wishes to speak on this besides the applicant.

MS. BARNHART: We've sent out 55 notices on July 24th, and we didn't get any responses.

MR. FERGUSON: I have a deck on the back of my house. It's 4 by 22. I have 35 foot off my property line. It's supposed to be 40 feet. So we're looking for a five foot variance.

MR. KANE: How long has the deck been existing?

MR. FERGUSON: About nine years.

MR. KANE: Create any water hazards whatsoever with the deck?

MR. FERGUSON: No.

MR. KANE: Any complaints formal or informal about the deck?

MR. FERGUSON: No.

MR. KANE: Homes in the area have similar decks?

MR. FERGUSON: Yes, they do. Some are bigger.

MR. TORLEY: This deck doesn't encroach on any easements or sewer lines or anything?

MR. FERGUSON: No, it's all town sewer.

MR. KRIEGER: And you haven't received any complaints, formal or informal, about this?

MR. FERGUSON: As far as neighbors you mean?

MR. KRIEGER: As far as anybody.

MR. FERGUSON: No.

MR. KRIEGER: There are none on the record, right?

MR. BABCOCK: No.

MR. KANE: Mr. Chairman, accept a motion?

MR. TORLEY: Yes.

MR. KRIEGER: Wait a minute. If you exited out of the back of the house and the deck wasn't there, you would fall a considerable distance to the ground, wouldn't you?

MR. FERGUSON: No, it's only about two feet, two and a half feet.

MR. TORLEY: But it would be an unsafe height --

MR. KRIEGER: It would be unsafe?

MR. FERGUSON: Yeah, enough to be --

MR. KRIEGER: Enough to be unsafe.

MR. FERGUSON: Sure.

MR. TORLEY: So the presence of the deck there is a positive safety feature for the house?

MR. FERGUSON: Yes.

MR. TORLEY: And it would be economically difficult for you to maneuver the deck or change the size of the deck so it would fit the zone?

MR. FERGUSON: Sure.

MR. KANE: Would you accept a motion?

August 14, 2000

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MR. TORLEY: Yes.

MR. KANE: I move that we approve the application by Edward Ferguson for his five foot rear yard variance for an existing deck.

MR. McDONALD: Second.

ROLL CALL

MR. McDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: June 13, 2000

**APPLICANT: Edward Ferguson
1 Brandon Court
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR Existing Deck 14 x 22

LOCATED AT: : 1 Brandon Court

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 41-3-2.3

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Insufficient rear yard set-back for existing deck

COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: G-10

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD: 35ft

REQ'D. SIDE YD: 15ft

REQD. TOTAL SIDE YD:

REQ'D REAR YD: 40ft

35ft

5ft

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

RECEIVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

JUN 06 2000

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 509-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Edmund Ferguson

Address 1 Bramble Court Phone 565-1263

Mailing Address SAME

Name of Architect NONE

Address _____ Phone _____

Name of Contractor SELF

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner / Builder

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the EAST side of Brandon Court
(N, S, E or W)
and 0' feet from the intersection of JAY & Brandon
2. Zone or use district in which premises are situated Residential R-4 Is property a flood zone? Y N ☒
3. Tax Map Description: Section 41 Block 3 Lot 2.3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? yes
7. Dimensions of entire new construction. Front 22' Rear 22' Depth 14' Height 20' No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$760.00 Fee _____

PAID

50-

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Edmund M. Ferguson
(Signature of Applicant)

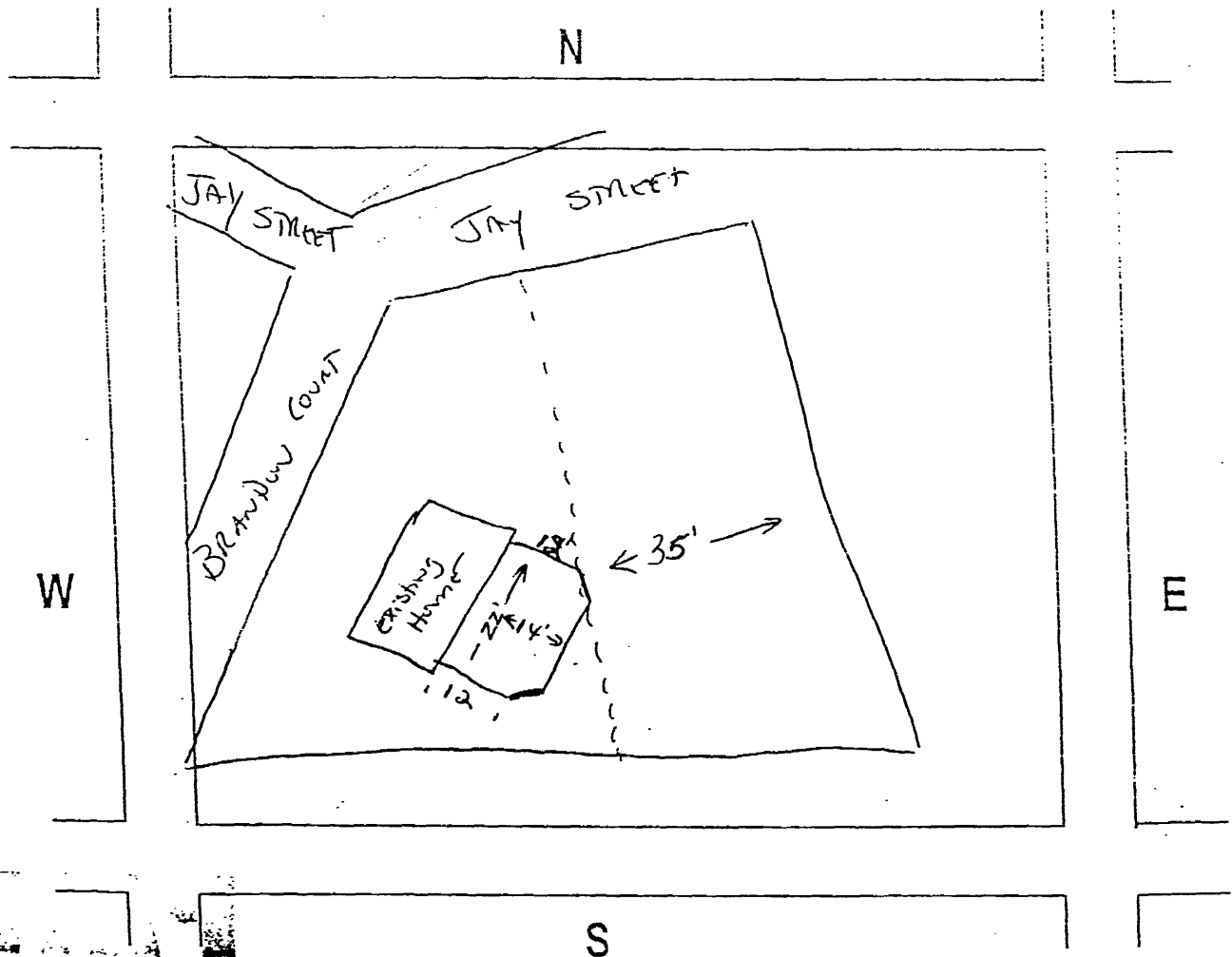
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 27

27

STREET
HOME BUILT

LET
BUILDERS INC
74.5

2.1

22

23

241

(3)

242

(5)

2.46

BRANDON CT.

QUASSALICK
1985

N 536.000
E 585.500

Date 7/17/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TOFrances Roth..... DR.
168 N. Drury Lane
.....Newburgh, N.Y. 12550.....

DATE			CLAIMED	ALLOWED
7/10/00	Zoning Board Mtg			75.00
	Mis. 1			
	Molina - 5			
	Ferguson - 3 \$13.50			
	Hecht - 9			
	Dunkin Donuts - 1			
	Moresco - 2			
	Schwartz - 3			
	Fox - 4			126.00
	<u>28</u>			<u>201.00</u>

FERGUSON, EDWARD

Mr. Edward Ferguson appeared before the board for this proposal.

MR. NUGENT: Request for 5 ft. rear yard variance for existing deck at 1 Brandon Court in an R-4 zone. Okay, step up, explain to the board what you want to do.

MR. FERGUSON: I have a deck that's in the back, I have five feet, it's closer than 35 feet to the back, rear yard, I'm sorry, 40 feet.

MR. NUGENT: You have 35, need 5?

MR. FERGUSON: Right, so I took pictures of the back side of the house.

MR. KANE: How long has the deck been up?

MR. FERGUSON: Eight, nine years.

MR. NUGENT: Pass them around.

MR. FERGUSON: It's a corner lot, the reason why the property's at an angle that's what the problem is.

MR. TORLEY: No problem with the side yard?

MR. FERGUSON: No.

MR. KANE: Other homes in the area have similar decks, not the same thing, but decks coming off the back of the house?

MR. FERGUSON: Oh, yes, actually, that's an 8 lot subdivision on Brandon Court and all the houses have decks.

MR. KANE: For the record.

MR. NUGENT: Okay, any further questions by the board?

MR. KANE: Accept a motion?

July 10, 2000

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MR. NUGENT: Yes.

MR. KANE: I move we set up Edward Ferguson for a public hearing on request for variance on 1 Brandon Court.

MR. TORLEY: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MS. BABCOCK: This is your application.

MR. NUGENT: Fill this out and get it back to Pat, Pat's not here tonight.

MR. TORLEY: By law, we do everything by public hearing, this is the preliminary.

MR. FERGUSON: I have to bring it back?

MR. NUGENT: You have to advertise in the paper.

MR. FERGUSON: You're going to give me a list?

MR. NUGENT: All the instructions are on the front sheet.

MR. TORLEY: They're not going to give you the list, you're going to have to buy it.

MR. FERGUSON: I have to buy the list, too?

MR. NUGENT: Yes.

MR. KRIEGER: Please take those, those are the criteria on which the zoning board must decide. So if you would address yourself to those criteria when you make your presentation at the public hearing, that would be helpful.

July 10, 2000

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MR. FERGUSON: When would that be?

MR. NUGENT: When you get the information back.

MR. FERGUSON: Thank you.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

Edward Ferguson

AFFIDAVIT OF
SERVICE
BY MAIL

00-34

-----X
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 24th day of July, 2000, I compared the 55
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

July 19, 2000

55

Edward Ferguson
1 Brandon Court
New Windsor, NY 12553

Re: 41-3-2.3

Dear Mr. Ferguson,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

Anthony Billesimo Jr. ✓
Kathleen Hedlund
46 Cross Street
New Windsor, NY 12553

Walter & Jeanne Millman ✓
38 Blooming Grove Turnpike
New Windsor, NY 12553

John & Denise Patterson ✓
13 Lillian Place
New Windsor, NY 12553

Arnold & Edna Zubalsky ✓
20 Jay Street
New Windsor, NY 12553

Kenneth & Lillian Devine ✓
PO Box 4730
New Windsor, NY 12553

Domenick & Louise Colotti ✓
11 Lillian Place
New Windsor, NY 12553

George & Roseanne Meyers ✓
2 Brandon Court
New Windsor, NY 12553

Christopher & Pamela Fitch ✓
Arthur & Dolores Fitch
3 Allen Place
New Windsor, NY 12553

Salvatore & Salvatrice Cocchia ✓
9 Lillian Place
New Windsor, NY 12553

Charles & Laurie Lomartore ✓
28 Jay Street
New Windsor, NY 12553

Patricia Hamernik ✓
1 Allen Place
New Windsor, NY 12553

William & Evelyn Lampack ✓
34 Cross Street
New Windsor, NY 12553

Habib & Josephine Massari ✓
3 Brandon Court
New Windsor, NY 12553

Arthur & Dolores Quirk ✓
13 Margaret Place
New Windsor, NY 12553

George & Mildred Dittbrenner ✓
36 Cross Street
New Windsor, NY 12553

Rosalie A. Diaz ✓
Robert C. Butta
5 Brandon Court
New Windsor, NY 12553

Richard & Beth Fiore ✓
11 Margaret Place
New Windsor, NY 12553

Joseph & Helen Miller ✓
40 Cross Street
New Windsor, NY 12553

Patricia Joyce ✓
Russell Zale
106-18 78th Street
Ozone Park, NY 11417

Thomas & Rosella Bear ✓
12 Lillian Place
New Windsor, NY 12553

Kevin & Linda McCaffrey ✓
44 Cross Street
New Windsor, NY 12553

George & Lisa Rodriguez ✓
6 Brandon Court
New Windsor, NY 12553

Angelo & Margaret Merced ✓
14 Lillian Place
New Windsor, NY 12553

Stewart D'Angela ✓
43 Cross Street
New Windsor, NY 12553

Howard & Patricia Iko ✓
16 Lillian Place
New Windsor, NY 12553

William & Vicki Nunnally ✓
56 Cross Street
New Windsor, NY 12553

Russell & Regina Gandt ✓
38 Cross Street
New Windsor, NY 12553

Dean & Pamela Colotti ✓
18 Lillian Place
New Windsor, NY 12553

Anthony & Vera Russe ✓
14 Cedar Lane
New Windsor, NY 12553

Peter & Mary Peluso ✓
16 Cedar Lane ✓
New Windsor, NY 12553

Edwin Montedeoca ✓
Nelida Roman Montedeoca ✓
24 Barclay Road ✓
New Windsor, NY 12553

Alan George Krawitz ✓
13 Farmstead Road ✓
New Windsor, NY 12553

William & Carolyn Duckery ✓
20 Cedar Lane ✓
New Windsor, NY 12553

Herbert & Verna Arnold ✓
22 Barclay Road ✓
New Windsor, NY 12553

Rene & Margaret Alphonse ✓
15 Farmstead Road ✓
New Windsor, NY 12553

Michael & Kelly Olivencia ✓
23 Farmstead Road ✓
New Windsor, NY 12553

Stephen & Roxana Sage Jr. ✓
20 Barclay Road ✓
New Windsor, NY 12553

Joseph & Susan Foti Jr. ✓
17 Farmstead Road ✓
New Windsor, NY 12553

Robert & Denise Morgan ✓
21 Farmstead Road ✓
New Windsor, NY 12553

Jan & Ann McDonald Jr. ✓
10 Farmstead Road ✓
New Windsor, NY 12553

Michael & Michelle Taggart ✓
19 Farmstead Road ✓
New Windsor, NY 12553

Priscilla Mandoske ✓
27 Jay Street ✓
New Windsor, NY 12553

Patrick & Christene Rouzier ✓
12 Farmstead Road ✓
New Windsor, NY 12553

Estate of Edith Brown ✓
C/o Gordon Brown ✓
707 Brown Pelican Lane ✓
Hampstead, NC 28443

Harriet Comford ✓
23 Jay Street ✓
New Windsor, NY 12553

Margaret Colonit ✓
Han Maeng ✓
14 Farmstead Road ✓
New Windsor, NY 12553

Hypo Holdings Inc. ✓
C/o Global Equities & Realty Inc. ✓
135 West 50th Street, Suite 1700 ✓
New York, NY 10020

Eugene & Virginia DeMarco ✓
19 Jay Street ✓
New Windsor, NY 12553

Daniele Vernon ✓
21 Barclay Road ✓
New Windsor, NY 12553

L & L Builders Inc. ✓
10 Hilltop Drive ✓
New Windsor, NY 12553

Frank Volpe Jr. ✓
17 Barclay Road ✓
New Windsor, NY 12553

Tina Marchie ✓
48 Cross Street ✓
New Windsor, NY 12553

Joseph & Roseann Kennedy ✓
5 Farmstead Road ✓
New Windsor, NY 12553

Frank Tramontano ✓
26 Barclay Road ✓
New Windsor, NY 12553

Alvin & Cynthia Wilson ✓
11 Farmstead Road ✓
New Windsor, NY 12553

Pls. publish immediately. Send bill to: Applicant.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 34.

Request of Edward Ferguson

for a VARIANCE of the Zoning Local Law to Permit:

existing deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Reg.-Col. G

for property situated as follows:

One Brandon Court, New Windsor, N.Y.

known and designated as tax map Section 41, Blk. 3 Lot 2.3

PUBLIC HEARING will take place on the 14th day of Aug., 2000, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

By: Patricia A. Corsetti, Secy.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4811

**RECEIPT
#567-2000**

07/21/2000

Ferguson, Edward

Received \$ 50.00 for Zoning Board Fees, on 07/21/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Dorothy H. Hansen
Town Clerk**

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 20th day of July 1995.

BETWEEN EDWARD FERGUSON and CHERYL FERGUSON, presently residing at #1 Brandon Court, Town of New Windsor, Orange County, New York 12553; and #356 Windsor Highway, Town of New Windsor, Orange County, New York 12553 respectively.

EDWARD N. FERGUSON, presently residing at #1 Brandon Court, Town of New Windsor, Orange County, New York 12553

grantor
grantee

WITNESSETH, that the grantor, in consideration of

-----TEN AND 00/100-----(\$10.00)-----Dollars, paid by the grantee hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, shown and designated as Lot No. 3 on a certain subdivision map entitled "Subdivision and Lot Changes, LUJAN HOME BUILDERS, INC., Town of New Windsor, Orange County, New York", made by Patrick T. Kennedy, L.S., dated 4/7/86 and filed in the Orange County Clerk's Office on 3/6/87 in Book 1905 of Maps, at Page 984, as Map No. 8141.

EXCEPTING AND RESERVING therefrom the land lying in the bed of Brandon Court as shown on the above entitled subdivision map, but, TOGETHER WITH an easement for ingress and egress over said street to the nearest public highway. Said easement shall automatically terminate upon acceptance of dedication by the proper municipal authority.

This deed is made to correct incorrect dates set forth in the description of the deed made between the above parties dated March 29, 1988, and recorded in the Orange County Clerk's Office on April 19, 1988, in Liber 2925 of Deeds, Page 90.

BEING AND INTENDING to be the same premises as described in that certain deed dated the 9th day of August, 1988, running from Lujan Home Builders, Inc., to Edward Ferguson and Cheryl Ferguson, his wife, which deed was thereafter recorded in the Orange County Clerk's Office on the 17th day of August, 1988, in Liber 2990 of Deeds at Page 189.

SECTION: 41 BLOCK: 3 LOT: 2.3

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises. **TO HAVE AND TO HOLD** the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. **AND** the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires. **IN WITNESS WHEREOF**, the grantor has executed this deed the day and year first above written.

In presence of: STATE OF NEW YORK: COUNTY OF ORANGE
On the 20th day of July, 1995, before x Edward Ferguson L. S.
me personally came CHERYL FERGUSON to me known x Cheryl L. Ferguson L. S.
to be the individual described in, and who Cheryl Ferguson
executed the foregoing instrument, and
acknowledged that she executed the same.

Jacqueline L. Baird
JACQUELINE L. BAIRD
Notary Public, State of New York
Qualified in Orange County
Commission Expires Aug. 31, 1996

STATE OF NEW YORK, COUNTY OF Orange Notary Public

On the _____ day of _____, 19____, before
me personally came _____ to me known,
who, being by me duly sworn, did depose and say that deponent resides
at No. _____
deponent is _____ of

the corporation described in and which
executed, the foregoing instrument; deponent knows the seal of said
corporation; that the seal affixed to said instrument is such corporate
seal; that it was so affixed by order of the Board of Directors of said
corporation; deponent signed deponent's name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE ss.:

On the 20th day of July, 1995, before
me personally came

Edward Ferguson

to me known to be the individual described in, and who executed
the foregoing instrument, and acknowledged that he executed
the same.

Jacqueline L. Baird
Notary Public, State of New York
Qualified in Orange County
Commission Expires Aug. 31, 1996

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-34.

Date: 7/10/2000

I. Applicant Information:

- (a) Edward Ferguson 1 Bramble Court N.W N.Y 12553 565-1263
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Same AS ABOVE
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 1 Bramble Court N.W 41-3-2.3 15,000.57 Ft
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? no YES.
- (d) When was property purchased by present owner? 1989.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? No.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No
- _____
- _____
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>35 ft.</u>	<u>5 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

BECAUSE IT IS A CORNER LOT, AND THE REAR YARD
DON'T RUN PARALLEL WITH FRONT LINES CAUSING A TRIANGLE SHAPED
LOT. SO THE VARIANCE IS REQUIRED TO ACCOMMODATE RECTANGULAR SHAPED
DECK.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
 Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law,
 Section _____, Table of _____ Regs.,
 Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: July 21, 2000.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X. Elwood M. Fugate
(Applicant)

Sworn to before me this

21st day of July, 2000

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2001.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

From Back, Deck, pool + Neighbor



Neighbor's house to Deck.



Neighbor house

Deck



From Front of house.

From Deck to closest Neighbor.



Looking Along property Line

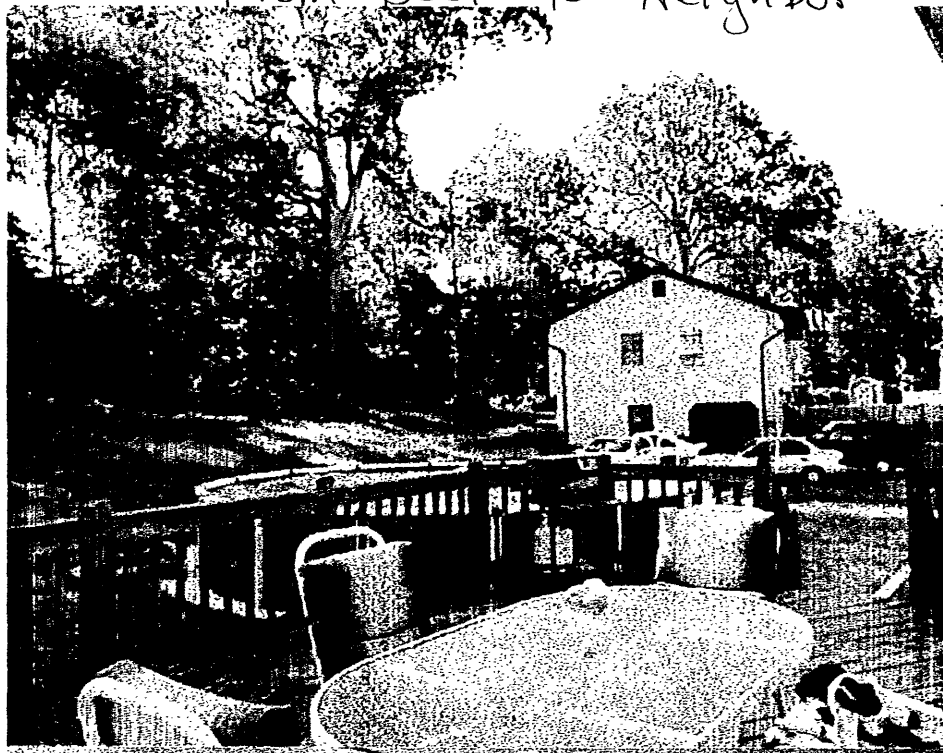


From Deck to Neighbor



Deck from Property Line

From Deck to Neighbor



From property Line to Deck.



Front of house



From Deck to Closest Neighbor